

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

WILLIS ALLEN YORK	§	
Vs.	§	CIVIL ACTION NO. 9:07CV169
UNION PACIFIC RAILROAD COMPANY	§	

ORDER

Plaintiff Willis Allen York filed the above-styled lawsuit on July 30, 2007, in the Eastern District of Texas, Lufkin Division. The matter was referred to the undersigned to conduct pretrial proceedings in accordance with [28 U.S.C. § 636](#).

On February 13, 2008, the undersigned issued an [Order](#) granting Defendant's Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404(a). The following day, the Fifth Circuit granted a petition for rehearing en banc regarding the decision of [*In re Volkswagen*, 506 F.3d 376 \(5th Cir. 2007\)](#), vacated its previous opinion and judgment and stayed the mandate. *See In re Volkswagen*, No. 07-40058 (5th Cir. Feb. 14, 2008) (order granting petition). The undersigned relies heavily on the *Volkswagen* decision in the Order granting a transfer. As a result, the case should be stayed pending the en banc decision of the Fifth Circuit in *Volkswagen*. The Clerk's office has not yet transferred this case because a Motion for Reconsideration was filed on February 22, 2008. In light of the foregoing, it is hereby

ORDERED that the above-styled case, including the Order to Transfer, is **STAYED**, pending the en banc decision of the Fifth Circuit in the matter of *In Re Volkswagen*.

So **ORDERED** and **SIGNED** this **25** day of **February, 2008**.



JUDITH K. GUTHRIE
UNITED STATES MAGISTRATE JUDGE